

CHAPTER 170: GARBAGE AND REFUGE

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§ 170.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DWELLING UNIT. A dwelling, or a portion of a dwelling, used by one family for cooking, living, and sleeping purposes eligible for refuse and recycling service provide by the Town of Highland.

DWELLING(S). A dwelling, or a portion of a dwelling, used primarily as a place of abode for one or more human beings, including apartment houses, but not including motels or hotels.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

REFUSE. All putrescible and non-putrescible wastes (except human body wastes), including garbage and rubbish, and yard waste.

RUBBISH. Non-recyclable putrescible and non-putrescible solid waste, both combustible and non- combustible, including but not limited to paper, cardboard, bottles, tin cans, steel cans, aluminum cans, glass, bedding, rags, crockery, wood, furniture and appliances.

RECYCLABLES. Paper, cardboard, magazines, glass bottles (clear, brown, green), tin cans, steel cans, aluminum cans, plastic containers or other such items that the Town deems to be recyclable in nature.

YARD WASTE. Compostible organic waste resulting from the maintenance of lawns, gardens, landscapes and trees including grass clippings, tree branches, hedge trimmings, garden waste, and leaves. Yard waste does not include sod, dirt, rock, sand, etc.

CONSTRUCTION ~~DEMOLITION~~ DEBRIS Rubbish generated by the construction, remodeling, or demolition of buildings or building appurtenances and includes concrete, brick, wood, roofing materials, gypsum board, piping and building fixtures (cabinets, water closets, windows, etc.)

§ 170.02 ENFORCEMENT.

The Director of Public Works shall enforce this chapter. ('83 Code, § 8-2) (Ord. 904A, passed 9-24-84)

§ 170.03 GARBAGE OR REFUSE ORIGINATING OUTSIDE TOWN.

No person shall dump garbage and/or rubbish within the town unless when such garbage and/or rubbish has its origin within the town.

§ 170.04 LITTERING.

No person shall throw or deposit on any lot, ground, premises, right-of-way, street, alley, drive, sidewalk or parkway, any garbage or rubbish except in containers as herein provided. ('83 Code, § 8-4) (Ord. 904, passed 6-11-84; Am. Ord. 904A, passed 9-24-84) Penalty, see § 170.99 Statutory reference: Littering, see I.C. 35-45-3-2

§ 170.05 BURNING GARBAGE AND RUBBISH.

No person shall openly burn or ignite refuse, garbage, or rubbish. ('83 Code, § 8-5) (Ord. 904A, passed 9-24-84) Penalty, see § 170.99

§ 170.06 COLLECTION GENERALLY.

(A) The collection and disposal of refuse within the corporate limits of the town shall be administered, operated, conducted, and/or maintained by and through the Town Council under the terms and the provisions of this chapter. The town shall have the right, exercisable by its Town Council, to appoint or contract with one or more persons, exclusively, or concurrently with the activities of the town, to collect and/or dispose of refuse, garbage or rubbish.

(B) Any person or persons owning or leasing any residence or establishment which fails to comply with the provisions of this chapter shall promptly remove and dispose of the garbage and rubbish accumulated by such person or persons at their own expense and in a sanitary manner.

(C) Except as otherwise provided in subdivision (D), commercial units which include a building or part thereof or establishment for the conduct of a

single business, apartment houses of more than two units, and except those three and four dwelling unit apartment houses that have separate water metered service and individual billing to each dwelling unit, motels, hotels, schools, churches, civic and athletic centers, and all other establishments which produce refuse, but are not dwellings, shall be responsible for the collection and disposal of refuse, garbage and rubbish in conjunction therewith.

(D) ***Option to Participate.*** Commercial units, which include a building or part thereof or establishment for the conduct of a single business and also have a single dwelling unit, which would not otherwise participate in the municipal solid waste management program, may apply to the Public Works Director for a "waiver and option to participate letter," which would allow participation in the municipal solid waste program.

(1) In considering any application to participate, the Public Works Director shall consider the following matters related to the delivery of service:

- (a) Whether or not the applicant's participation materially affects the effectiveness of any or all of the services as outlined in § 170.08.
- (b) Whether or not the applicant's participation materially affects the efficiency of any or all of the services as outlined in § 170.08.
- (c) Whether or not the applicant's participation is equitable and the participation is in the public interest.

(2) If the Public Works Director determines and finds favorably for an applicant, a letter of waiver will be issued to the particular participant, a copy of which will be filed with the Town Council **and Office of the Clerk-Treasurer** and which will remain in effect for the particular participant only.

(3) If an option to participate is granted, the participant shall be subject to the relevant provisions of the Chapter 170, including the requirement to pay the monthly solid waste management fees as set forth in Section §170.08 ~~(4)~~.

(4) The Public Works Director shall be authorized to make reasonable rules or conditions related to the "waiver and option to participate letter" with which the participant shall comply.

(5) Failure to comply with the rules or conditions of the waiver may result in revocation of the waiver and prevention from participation in the Solid Waste Management Program of the Town;

(E) ***Limited Option for Exemption.*** Commercial units, which include a building or part thereof or establishment committed to the conduct

of educational, literary, scientific, religious, or charitable purposes and also have a single dwelling unit, which would otherwise participate in the municipal solid waste management program, may apply to the Public Works Director for a "*exemption letter*," which would allow extrication from the single dwelling unit in the municipal solid waste program.

(1) In considering any application to participate, the Public Works Director shall consider all the matters set forth in Section 170.06 (D) (1) and whether or not the single family dwelling will be used for educational, literary, scientific, religious, or charitable purposes and not serve any further residential purpose.

(2) If the Public Works Director determines and finds favorably for an applicant, a *letter of exemption* will be issued to the particular participant, a copy of which will be filed with the Office of the Clerk-Treasurer and the Town Council and which will remain in effect for the particular participant only.

(3) The Public Works Director shall be authorized to make reasonable rules or conditions related to the "waiver and exemption letter" with which the participant shall comply.

(4) Failure to comply with the rules or conditions of the waiver may result in revocation of the exemption and resumption of billing for and participation in the Solid Waste Management Program of the Town;

~~(E)~~ (F) No person or other entity shall collect, remove, pilfer, cremate, dispose or otherwise deal in refuse within the corporate limits of the town unless expressly authorized to do so by the Town Council.

~~(F)~~ (G) It shall be unlawful to conduct or condone any unauthorized collections of recyclable materials, which are set out by town residents as part of the designated recycling program. Such unauthorized collections may reduce volumes of materials collected as part of a designated programs and thereby threaten the economic liability of the authorized program.

~~(G)~~ (H) The collection and disposal of refuse and recyclable shall be provided to each single and two family dwelling unit and to each three and four family dwelling unit, provided that each dwelling unit with a three and four family dwelling has separate water meter service with individual billing to each dwelling unit. Collection and disposal is subject to the following exceptions:

- (1) Furniture and appliances shall be limited to one item per week.
- (2) Appliances containing refrigerant gases are excluded unless properly evacuated of refrigerant gases.
- (3) Carpeting shall be cut and rolled into pieces that are capable of being handled by one person.
- (4) Construction and demolition debris is excluded.
- (5) Hazardous waste or medical waste is excluded.
- (6) Concrete is excluded.

- (7) Tires are excluded.
(As amended by Ordinance No. 1461 17 May 2010)

§ 170.07 GARBAGE CONTAINERS; PLACEMENT.

(A) Every tenant or owner of a dwelling or dwelling unit within the town shall provide suitable and sufficient containers for the deposit of garbage therein. Garbage shall be placed in containers made of plastic or metal, equipped with suitable handles and tight-fitting covers, and plastic garbage bags or similar receptacles. Said containers shall be water-tight and of a type approved by the town with a capacity of **not less than 20 gallons and no more than 30 gallons**. Said containers shall be kept clean, neat, and sanitary at all times.

(B) All containers for the deposit of refuse shall be placed for collection at ground level by the owners of property within the right-of-way of a street or alley at the discretion of the Town Council for dwellings, and shall be accessible and not more than 15 feet from the side of the street or alley from which collection is to be made. Such containers shall be placed in an orderly and sanitary manner on the days designated for the collection and removal of refuse by the town, or other party duly authorized to collect refuse. The containers shall be removed to the rear of the premises after collection is made and on the same date of collection. ('83 Code, § 8-7) (Ord. 788, passed 9-11-78; Am. Ord. 904A, passed 9-24-84) Penalty, see § 170.99

§ 170.075 RECYCLING CONTAINERS.

(A) The town shall provide to each dwelling unit one container to be used for the collection and disposal of recyclable.

(B) In addition to any terms set forth in any contract for recycling collection services which may be in force, the Public Works Director shall have the authority to identify additional recyclable articles under the Solid Waste Management program.

(C) Recycling containers, as provided by the town, shall remain the property of the town. Damaged containers shall be replaced at no cost to the customer. Lost or stolen containers may be replaced after payment of a replacement fee in an amount set forth in the fee schedule in § 170.08.

(D) Recycling containers shall remain with the dwelling unit even upon changes of residents or transfers of ownership.

(E) Customers may obtain additional containers for the replacement fee set forth in the fee schedule in § 170.08. (Ord. 1058, passed 11-13-00)

§ 170.08 SOLID WASTE MANAGEMENT FEES and SERVICES.

(A) Fees shall be charged in support of the Solid Waste Management Program of the town. The fees shall be reasonable and just and reasonably related to support the following activities and services of the town:

(1) Collection and disposal of garbage and refuse associated with qualified residential dwelling units, placed for collection at ground level, and not more than 15 feet distant from the side of the street from which collection is made.

(2) Collection and disposal of garbage and refuse associated with qualified residential dwelling units, that have been identified as recyclable articles by the town, placed for collection at ground level in the container provided by the town, and not more than 15 feet distant from the side of the street from which collection is made.

(3) Collection and disposal of tree leaves, associated with qualified residential dwelling units, seasonally placed for collection at ground level, and not more than 15 feet distant from the side of the street from which collection is made.

(4) Collection and disposal of articles of garbage and refuse associated with qualified residential dwelling units that have been identified as yard waste by the town, placed for collection at ground level, properly contained and not more than 15 feet distant from the side of the street from which collection is made.

(5) On-demand collection and disposal of branches or fallen tree limbs associated with qualified residential dwelling units, placed for collection at ground level and not more than 15 feet distant from the side of the street from which collection is made.

(B) The solid waste management fees, which shall be payable monthly and charged to qualified residential dwelling units principally occupied by persons who are 65 years of age or older, and upon approved applications with the ~~billing authority~~ **Public Works Director**, shall be discounted as set forth in the schedule of fees in this section. PRINCIPALLY OCCUPIED shall mean that at least 50 % of the regular occupants in the dwelling are persons 65 years of age or older, or at least one owner of a jointly owned dwelling is 65 years of age or older. *(As amended by Ordinance No. 1461 17 May 2010)*

(C) The solid waste management fees shall be payable monthly and shall be billed, whenever practicable to do so, with the utility bill associated with charges for water, wastewater and other services. Solid waste management fees shall be deposited into the General Fund of the town.

(D) *Waiver of Fees.* The solid waste management fees which shall be imposed under this chapter may be temporarily waived for a time certain pursuant to the following:

- (1) Person(s) desiring the waiver shall contact the billing authority and apply for such a waiver, and
- (2) Person(s) desiring the waiver shall have paid a fee for a temporary cessation of water service *in the amount set forth in the schedule of fees set forth in Chapter 190.*
- (3) The duration of the waiver will be concurrent with the duration of the cessation of water service. The waiver ceases or expires upon resumption of water service.

(E) *Alternative Waiver (Refund) of Fees.* For those persons for whom a temporary water service cessation is impracticable, owing to a water-based heating system, who would otherwise seek a waiver under the provisions Sec. § 170.08 (D), solid waste management fees may be *refunded* for a time certain, pursuant to the following:

- (1) Person(s) desiring the refund shall contact the billing authority and apply for such refund; and
- (2) Person(s) desiring the refund shall have paid a special cessation of solid waste management services fee in the amount set forth in the schedule of fees set forth in this chapter.
- (3) The refunds will be of those fees paid during the time period of the desired temporary cessation of service, owing to extended absences from the customer residence.
- (4) In order to determine the length of time for which a refund may be made, the following apply:
 - (a) No refund will be given for any month in which there is evidence of more than minimum water consumption; and
 - (b) No refund will be given without reasonable documentation of actual absence, which may include but not be limited to out-of-state utility bills, active bank accounts and the like.

(F) *Limited Waiver of Fees for Certain Two-Family Dwellings.* In the event that one unit of a two-unit dwelling, without a separate water meter and/or account status, becomes vacant, for a period of not less than four months, the property owner may request a waiver of the solid waste management fee charged for the unoccupied unit pursuant to the following:

- (1) Person(s) who desire this limited waiver shall contact the Public Works Director, and apply for such a waiver, not sooner than the first day of the month following the date of the vacancy; and,

- (2) The duration of the limited waiver of fees in this subsection shall be for (4) months. Persons may renew the waiver with the Public Works Director.
- (3) Unless specifically renewed, the Public Works Director will advise the billing authority that the solid waste management fee charges shall resume, in full, beginning on first month following the waiver's lapse.
- (4) Person(s) shall notify the Public Works Director in the event that the vacant unit becomes occupied before the fee waiver expires. The solid waste management fee shall be reinstated and charged beginning in the month that the unit becomes occupied.
- (5) In the event that the owner fails to notify the Public Works Director prior to the reoccupation of the vacant unit, all waived solid waste management fees shall be reinstated, back to the first day of the waiver period. Application shall be on forms to be provided by the Office of the Clerk Treasurer and shall include name, address, account number, and the specific reason for the request.

~~(6) The provisions of Section § 170.08 (F) shall expire and be of no further force or effect on July 1, 2008.~~

(G) The solid waste management and other fees shall be charged according the following schedule and shall remain in effect as indicated until such time as they may be modified or rescinded by passage and adoption an ordinance, pursuant to the terms of IC 36-9-30 et seq.:

Solid Waste Management Fees Schedule

Monthly solid waste management fees

(1) For the period beginning May 1, 2009:

- | | |
|---|----------------|
| (a) Qualified dwelling unit (per unit): | \$16.90 |
| (b) Two-family dwelling per unit: | \$16.90 |
| (c) Single and two-family dwellings principally occupied by persons 65 years of age or older: | \$15.90 |
| (d) Recycling container replacement fee: | \$10.00 |

(2) For the period beginning May 1, 2010:

- | | |
|---|----------------|
| (a) Qualified dwelling unit (per unit): | \$17.52 |
|---|----------------|

(b)	Two-family dwelling per unit:	\$17.52
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$16.52
(d)	Recycling container replacement fee:	\$10.00
(3)	For the period beginning April 1, 2011:	
(a)	Qualified dwelling unit (per unit):	\$18.05
(b)	Two-family dwelling per unit:	\$18.05
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$17.05
(d)	Recycling container replacement fee:	\$10.00
(4)	For the period beginning April 1, 2012:	
(a)	Qualified dwelling unit (per unit):	\$18.65
(b)	Two-family dwelling per unit:	\$18.65
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$17.65
(d)	Recycling container replacement fee:	\$10.00
(5)	For the period beginning April 1, 2013:	
(a)	Qualified dwelling unit (per unit):	\$19.28
(b)	Two-family dwelling per unit:	\$19.28
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$18.28
(d)	Recycling container replacement fee:	\$10.00

§ 170.09 Repealed

§ 170.10 APPEALS.

Any person aggrieved by a regulation of, a decision of, or a fee charged by the Director shall have the right of appeal to the Town Council who shall have the

authority to confirm, modify, or reject any such regulation, decision, or fee. If the aggrieved party does not accept the findings and order of the Town Council, any such finding or order shall be appealable to the courts as provided by law. ('83 Code, § 8-11) (Ord. 904, passed 6-11-84)

§ 170.11 LIABILITY FOR PAYMENT.

The user charges shall be billed to the person being billed for water service at the residence dwelling, unless by contract with the town, and other persons assume such responsibility. If a tenant or occupant is billed, the owner shall in no way be relieved of the liability in the event payment is not made by the tenant or occupant as herein provided. Such owner shall have the right to examine the town's collection records to ascertain whether such charges have been paid. ('83 Code, § 8-12) (Ord. 904, passed 6-11-84)

§ 170.12 DELINQUENT ACCOUNTS.

(A) *How delinquencies arise.* Fees levied pursuant to this chapter shall be due and payable on or before the due dates shown on the bills. Any fee not paid by the due date (approximately 15 days after the bill is rendered) shall be considered delinquent. Such delinquent fee together with any applicable interest shall be collectible as hereinafter set forth.

(B) *Collection through the tax duplicate.* If provided by the statutes of Indiana, delinquent fees may be made a lien against the property served through certification to the Auditor and to the Recorder of Lake County.

~~(C)~~ *Collection through court action.* In addition to the foregoing remedies, the town shall have the right to bring a civil action to recover any delinquent fees together with interest at the rate of 8% per annum and a reasonable attorney's fee. It shall also have the right, if provided by the statutes of Indiana, to foreclose any lien established under the provisions of this section with recovery of the charge, interest of 8% per annum and a reasonable attorney's fee. ('83 Code, § 8-13) (Ord. 904, passed 6-11-84)

§ 170.13 PROCEDURES AND FEES FOR DISPOSAL OF REFUSE.

(A) *Permitted uses.* The disposal of compactible refuse by residents of the town shall be permitted in accordance with this chapter.

(B) *Prohibited uses.* There shall be no commercial dumping or disposal of refuse by commercial vendors or any contractors. Further, non-residents of the town are prohibited from disposing of refuse at the Highland Public Works Facility.

(C) *Permit and fees.*

(1) Any person dumping refuse at the Highland Public Works Facility shall first secure a "dumping permit" from the office of the Clerk-Treasurer. The permit shall identify the name, address, and phone number of

the permittee; vehicle type and license number; description of the refuse to be disposed; and disposal fee. Dumping refuse without a valid permit is prohibited said permit shall be presented to the dumpster attendant prior to dumping refuse, and the dumpster attendant shall verify that the permit is proper for the refuse being disposed.

(2) Fees for the disposal of residential refuse by residents of the town shall be collected by the office of the Clerk-Treasurer according to the following schedule:

(a) *Compactor rate.* Construction and demolition debris; extra trash (less than four feet in length):

1. Pickup truck, van, or one ton dump truck (full): \$10.
2. Pickup truck, van, or one ton dump truck (less than half full): \$5.
3. Minimum fee (car load): \$5.

(b) *Open container rate.* Extra trash; construction and demolition debris (over four feet in length):

1. Pickup truck, van, or one ton dump truck: \$20.
2. Furniture, appliances, mattresses, and the like (each piece): \$5.

(c) *Tree branch disposal.* No charge.

(D) *Concrete.* Disposal of concrete at the Highland Public Works Facility is prohibited.

(E) *Hours.* The Highland Public Works Facility shall be available for the disposal of refuse in accordance with the provisions of this chapter from Monday through Saturday from the hours of 8:30 a.m. through 3:30 p.m.

(F) *Temporary fee waiver by order of the Town Council President.* Whenever an intense weather or other natural event has occurred which has unduly caused or created an unusual and involuntary increase in the volume of trash or debris experienced by residents of the town, the Town Council hereby authorizes that the Town Council President, when in his opinion the public good would require it, may issue a written order, directed to the Public Works Director and the Clerk-Treasurer, indicating that for the foregoing reasons set forth in this division, the fees set forth in the schedule under this section for refuse services at the Public Works Facility are waived for residents, with such waiver to be for a time certain and not to exceed a period of three weeks. Further, such order should be reported to the Town Council for its information in a timely manner. ('83 Code, § 8-16) (Ord. 921, passed 11-25-85; Am. Ord. 921A,

passed 2-24-86; Am. Ord. 997, passed 12-28-93; Am. Ord. 1039, passed 7-22-96)
Penalty, see § 170.99

§ 170.14 ABANDONED OR UNATTENDED MAJOR APPLIANCES.

(A) *Abandoning or leaving freezers, refrigerators, iceboxes, ice chests, and other major appliances.* The provisions of this chapter shall apply to any icebox, refrigerator, freezer, ice chest, dryer, washer, or other major appliance having a capacity of one and one-half cubic feet or more. No person, firm, corporation, or organization shall abandon any such refrigerator, freezer, icebox, ice chest, or other major appliance any place within the town. No person shall leave any such refrigerator, freezer, icebox, ice chest, or other major appliance unattended out-of-doors. The purpose of this chapter is to prevent children from dying for lack of air as a result of being locked in such a refrigerator, icebox, ice chest, freezer, or other major appliance.

(B) *Removal of hinges and doors.* Any person, firm, corporation, or organization that shall have abandoned or left out-of-doors a refrigerator, freezer, icebox, ice chest, or other major appliance shall immediately take steps to avoid the danger of a child being trapped inside by removing the door of such freezer, refrigerator, icebox, ice chest, or other major appliance before taking the same out-of-doors.

§ 170.99 PENALTY.

(A) Any person, entity or organization who shall violate any provisions of this chapter shall be fined in the amount set forth in the designated schedule as a payable offense subject to admission before the Violations Clerk or Ordinance Violation Bureau in the amount set forth in the Admissions Clerk Payable Offenses Schedule in § 131.06.

(B) If such persons, entity or organization shall violate any provisions of this chapter, and there is a failure to satisfy the civil violation as set forth in Chapter 131 of this code, then such violations shall be construed as justiciable offenses and shall be subject to a fine of not less than \$25 per violation, nor more than \$2,500. Each day of such unlawful activity as is prohibited shall be deemed a separate offense. ('83 Code, § 8-8) (Ord. 904, passed 6-11-84; Am. Ord. 904A, passed 9-24-84; Am. Ord. 904D, passed 1-25-93; Am. Ord. 1012, passed 5-22-95)

As revised by Ordinance 1456 adopted on 04.19.2010
As further revised by Ordinance No. 1461 on 05.17.2010